

## DISTRICT OF NEVADA

Case No.: 2:18-cv-02434-JAD-PAL

## Order Granting Motion to Extend Deadline to file Amended Petition

### Deadline to file Amended Petition

**[ECF No. 10]**

**[ECF No. 10]**

Counseled petitioner Beau Maestas moves for additional time to file an amended petition in this capital habeas case.<sup>1</sup> Under the court’s scheduling order, Maestas’s deadline to file his amended petition was March 18, 2019.<sup>2</sup> His counsel asks that the deadline be extended to November 27, 2019, which, according to her, is “[t]he statutory deadline to file an amended petition under 28 USC §2244(d)(1).”<sup>3</sup> Counsel represents to the court that, in addition to her other responsibilities, she needs the additional time to comply with her professional obligation “to conduct a thorough review of the entire case file and an exhaustive independent investigation.”<sup>4</sup>

I find that petitioner's request is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time. Petitioner's counsel also represents that opposing counsel does not object to the request, provided that respondents' non-opposition

<sup>1</sup> ECF No. 10.

<sup>2</sup> ECF No. 9. The motion to extend the deadline was filed before the original deadline expired.

<sup>3</sup> ECF No. 10 at 3.

<sup>4</sup> *Id.* at 4.

1 does not constitute “a waiver of available defenses.”<sup>5</sup> Under these circumstances, I grant the  
2 request. In doing so, however, I make no findings or assurances about the timeliness of the  
3 amended petition or the claims contained in it.

4 IT IS THEREFORE ORDERED that petitioner’s motion for extension of time [ECF No.  
5 10] is **GRANTED** nunc pro tunc to March 15, 2019. **Petitioner has until November 27, 2019,**  
6 **to file and serve his amended petition.**

7 IT IS FURTHER ORDERED that, in all other respects, the court’s scheduling order of  
8 January 15, 2019,<sup>6</sup> will govern the proceedings in this case.

9 Dated: March 21, 2019

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U.S. District Judge Jennifer A. Dorsey

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23 <sup>5</sup> *Id.* at 9.

<sup>6</sup> ECF No. 9.